DPD

Director's Rule 8-2004

Applicant:	Page	Supersedes:
City of Seattle Department of Planning and Development	1 of 3	N/A
	Publication: 8/28/03, 10/16/03*	**Effective:** 12/29/04
Subject: Clarifying terms and provisions regarding minor communications utilities (personal wireless facilities) in all zones	**Code and Section Reference:** SMC Title 23, Land Use Code, Sections 23.57.009, 23.57.010, 23.57.011, and 23.57.012	
	Type of Rule: Code Interpretation	
	Ordinance Authority: SMC 3.06.040	
Index: Land Use Code, Technical and Procedural	**Approved** **Date** (signature on file) 12/29/04 Diane M. Sugimura, Director, DPD	

*originally published as DR 12-2003

PURPOSE

This rule clarifies and interprets terms and criteria pertaining to the placement of minor communication utilities (personal wireless facilities).

RULE

A. Interpretation of Terms. To assist in making consistent decisions and recommendations regarding the siting of minor communication utilities, the terms below, contained within SMC Sections 23.57.009, 23.57.010 and 23.57.011, are interpreted as follows:

1. **"Effectively providing service"** means the level of service preferred by the applicant. The preferred level of service will not be evaluated by the Director, but will instead be used as a comparison in the evaluation of potential alternate locations for the proposed minor communication utility.

2. **"Least intrusive location"** means that, except as provided in subsection A.3, the location of the proposed minor communication utility must comply with the following order of preference. Industrial zones are the least intrusive location, and Single Family and Residential Small Lot zones (non-arterial) are the most intrusive locations:

a. Industrial zones
b. Downtown zones
c. Commercial zones
d. Neighborhood Commercial zones
e. Multifamily zones (arterial)
f. Multifamily zones (non-arterial)
g. Single Family and Residential Small Lot zones (arterial)
h. Single Family and Residential Small Lot zones (non-arterial)

3. The Director may allow a deviation from the order of preference contained in subsection A.2, provided that the Director finds that such a deviation would result in a less intrusive location than would otherwise be provided under strict adherence to the order of preference.

4. **"Least intrusive facility"** means that the proposed minor communication utility and its associated equipment, including but not limited to additions to existing structures, new structures, poles, wireless antennae and conduit, must be designed and placed in a manner that will result in the least amount of visual and neighborhood character impacts. Potential impacts may include but will not be limited to aesthetics, height and bulk impacts, and commercial intrusion. Except as provided in subsection A.5, the proposed minor communication utility must comply the following order of preference:

a. City Light transmission tower
b. Water tower
c. Rooftop or facade of a nonresidential structure
d. Rooftop or façade of a residential structure
e. Monopole on a nonresidential lot
f. Utility pole

5. The Director may allow a deviation from the order of preference contained in subsection A.4, including the allowance of other placement locations not contained in the order of preference, provided that the Director finds that such a deviation would result in a less intrusive facility than would otherwise be provided under strict adherence to the order of preference.

B. Application Submittal Requirements. To demonstrate that the proposal meets the approval criteria contained in SMC Sections 23.57.009, 23.57.010, 23.57.011, and/or 23.57.012, the applicant must provide the following at the time of application:

1. A map of the wireless provider's search ring[i], and all areas 100 feet beyond the search ring, clearly showing the following:

a. zoning designations for all properties;
b. arterial and non-arterial streets, and alleys;
c. all multifamily and nonresidential structures;
d. all existing and proposed minor communication utilities that would interact (i.e. minor communication utilities that are part of the same wireless network) with the proposed minor communication utility; and
e. all alternate locations considered for the placement of the proposed minor communication utility.

2. A document that contains detailed written descriptions of all alternate locations considered for the placement of the proposed minor communication utility. These descriptions must include:

a. the location and height of potential minor communication utilities and accessory equipment at all alternate locations considered by the applicant,
b. the reason the alternate locations were not chosen (e.g. unwilling landlord, the alternate location was more intrusive, technically impossible, etc.), and
c. contact information for the owner and/or representative of each alternate location.

3. If any alternate, less intrusive locations were not chosen because of technical reasons, the applicant must provide a declaration from a Radiofrequency Engineer. This declaration must include a technical description, including engineering data that details why the alternate, less intrusive location would not work due to technical impossibility.

C. Third Party Review. In order to verify that technical information provided by the applicant is accurate, the Director may require a third-party review, as follows. The third-party reviewer must be a Radiofrequency Engineer, paid for by the applicant and selected by the Director:

1. In single family zones, all minor communication utility applications will be required to undergo third-party review.

2. In multifamily and neighborhood commercial zones, minor communication utility applications may be required to undergo third party review, at the discretion of Director. In determining whether a third-party review is required, the Director will consider the Department's previous experience in the review of similar applications, and the potential availability of alternate, less intrusive locations.

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[i] A search ring is a physical area, including a single coordinate that identifies the optimal location of a wireless facility and a radius or radii showing less optimal but acceptable areas where a wireless facility can be located and still achieve acceptable service levels, as determined by a wireless provider.